

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIDGETT F. WEBB,

Plaintiff,

-against-

MICHAEL BAKER,

Defendant.

23-CV-10329 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. By order dated December 5, 2023, the Court directed the Clerk of Court to transfer this action to the United States District Court for the Eastern District of North Carolina. (ECF 3.)

On December 7, 2023, before the action was transferred,¹ Plaintiff filed a letter stating that she wishes to voluntarily dismiss this action. (ECF 4.)

The Court grants Plaintiff's request to withdraw this action. The complaint is voluntarily dismissed under Fed. R. Civ. P. 41(a). The Clerk of Court is directed not to effectuate transfer of this action to the United States District Court for the Eastern District of North Carolina.

¹ Local Civil Rule 83.1 requires a seven-day waiting period before the Clerk of Court effectuates transfer to another district court. While the transfer of a case divests the transferor court of jurisdiction of the action, *Drabik v. Murphy*, 246 F.2d 408, 409 (2d Cir. 1957), the transferor court retains jurisdiction of the action "prior to receipt of the action's papers by the clerk of the transferee court," *Warwick v. Gen. Electric Co.*, 40 F.3d 736, 739 (2d Cir. 1995). Because this case has not yet been transferred to the Eastern District of North Carolina, this Court retains jurisdiction of the case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: December 8, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge